

Union Calendar No. 131

103D CONGRESS
1ST SESSION

H. R. 2739

[Report No. 103-240]

A BILL

To amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

SEPTEMBER 14, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1993

Mr. OBERSTAR (for himself, Mr. MINETA, Mr. SHUSTER, and Mr. CLINGER) introduced the following bill; which was referred to the Committee on Public Works and Transportation

SEPTEMBER 14, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 26, 1993]

A BILL

To amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Aviation Infrastructure*
 3 *Investment Act of 1993”.*

4 **TITLE I—AIRPORT AND AIRWAY**
 5 **IMPROVEMENT ACT AMEND-**
 6 **MENTS**

7 **SEC. 101. AIRPORT IMPROVEMENT PROGRAM.**

8 *(a) AUTHORIZATION OF APPROPRIATIONS.—Section*
 9 *505(a) of the Airport and Airway Improvement Act of 1982*
 10 *(49 U.S.C. App. 2204(a)) is amended—*

11 *(1) by striking “and” following “1992,”; and*

12 *(2) by inserting after “1993” the following: “,*
 13 *\$18,071,700,000 for fiscal years ending before October*
 14 *1, 1994, \$20,232,700,000 for fiscal years ending before*
 15 *October 1, 1995, and \$22,446,700,000 for fiscal years*
 16 *ending before October 1, 1996”.*

17 *(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of*
 18 *such Act is amended by striking “1993” and inserting*
 19 *“1996”.*

20 **SEC. 102. AIRWAY IMPROVEMENT PROGRAM.**

21 *(a) AIRWAY FACILITIES AND EQUIPMENT.—Section*
 22 *506(a)(1) of the Airport and Airway Improvement Act of*
 23 *1982 (49 U.S.C. App. 2205(a)(1)) is amended by striking*
 24 *“\$11,100,000,000” and all that follows through “1995” and*
 25 *inserting the following: “\$10,724,000,000 for fiscal years*
 26 *ending before October 1, 1994, \$13,394,000,000 for fiscal*

1 *years ending before October 1, 1995, and \$16,129,000,000*
2 *for fiscal years ending before October 1, 1996”.*

3 *(b) OTHER EXPENSES.—Section 506(c) of such Act is*
4 *amended—*

5 *(1) by striking “–1995” in the heading for para-*
6 *graph (4) and inserting “–1993”;*

7 *(2) by striking “1993, 1994, and 1995” in para-*
8 *graph (4) and inserting “and 1993”; and*

9 *(3) by adding at the end the following:*

10 *“(5) FISCAL YEARS 1994–1996.—The amount ap-*
11 *propriated from the Trust Fund for the purposes of*
12 *clauses (A) and (B) of paragraph (1) of this sub-*
13 *section for each of fiscal years 1994, 1995, and 1996*
14 *may not exceed the lesser of—*

15 *“(A) 50 percent of the amount of funds*
16 *made available under section 505 and sub-*
17 *sections (a) and (b) of this section for such fiscal*
18 *year; or*

19 *“(B)(i) 70 percent of the amount of funds*
20 *made available under section 505, subsections (a)*
21 *and (b) of this section, and section 106(k) of title*
22 *49, United States Code, for such fiscal year; less*

23 *“(ii) the amount of funds made available*
24 *under section 505 and subsections (a) and (b) of*
25 *this section for such fiscal year.”.*

1 (c) *PRESERVATION OF FUNDS.*—Section 506(e)(5) of
 2 such Act is amended by striking “1995” and inserting
 3 “1996”.

4 **SEC. 103. OPERATIONS OF FAA.**

5 Section 106(k) of title 49, United States Code, is
 6 amended by striking “, \$5,100,000,000” and all that follows
 7 through “1995” and inserting “, \$4,576,000,000 for fiscal
 8 year 1994, \$4,674,000,000 for fiscal year 1995, and
 9 \$4,810,000,000 for fiscal year 1996”.

10 **SEC. 104. APPORTIONMENT OF FUNDS.**

11 (a) *MINIMUM AMOUNT FOR PRIMARY AIRPORTS.*—Sec-
 12 tion 507(b)(1) of the Airport and Airway Improvement Act
 13 of 1982 (49 U.S.C. App. 2206(b)(1)) is amended by striking
 14 “\$400,000” and inserting “\$500,000”.

15 (b) *CONSIDERATION OF DIVERSION OF REVENUES IN*
 16 *AWARDING DISCRETIONARY GRANTS.*—Section 507 of such
 17 Act is further amended by redesignating subsection (f) as
 18 subsection (g) and by inserting after subsection (e) the fol-
 19 lowing new subsection:

20 “(f) *CONSIDERATION OF DIVERSION OF REVENUES IN*
 21 *AWARDING DISCRETIONARY GRANTS.*—In deciding whether
 22 or not to distribute funds to an airport from the discre-
 23 tionary funds established by subsections (c) and (d), the
 24 Secretary shall consider as a factor militating against the
 25 distribution of such funds to the airport the fact that the

1 *airport is using revenues generated by the airport or by*
 2 *local taxes on aviation fuel for purposes other than capital*
 3 *or operating costs of the airport or the local airports sys-*
 4 *tem.”.*

5 **SEC. 105. USE OF APPORTIONED AND DISCRETIONARY**
 6 **FUNDS.**

7 (a) *INTEGRATED AIRPORT SYSTEM PLANNING SET-*
 8 *ASIDE.*—Section 508(d)(4) of the Airport and Airway Im-
 9 *provement Act of 1982 (49 U.S.C. App. 2207(d)(4)) is*
 10 *amended by striking “1/2” and inserting “3/4”.*

11 (b) *MILITARY AIRPORT SET-ASIDE.*—Section
 12 *508(d)(5) of such Act is amended by striking “and 1995”*
 13 *and inserting “, 1995, and 1996”.*

14 (c) *DESIGNATION OF MILITARY AIRPORTS.*—Section
 15 *508(f)(1) of such Act is amended by striking “12” and in-*
 16 *serting “16”.*

17 (d) *CONSTRUCTION OF PARKING LOTS, FUEL FARMS,*
 18 *AND UTILITIES.*—Section 508(f)(6) of such Act is amended
 19 *by striking “and 1995” and inserting “1995, and 1996”.*

20 **SEC. 106. PROJECT SPONSORSHIP.**

21 *Section 511(a) of the Airport and Airway Improve-*
 22 *ment Act of 1982 (49 U.S.C. App. 2210(a)) is amended—*

23 (1) *by striking “and” at the end of paragraph*
 24 *(16);*

1 (2) by striking the period at the end of para-
2 graph (17) and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(18) the airport owner or operator will submit
5 to the Administrator and make available to the public
6 an annual report listing in detail (A) all amounts
7 paid by the airport to any other unit of government
8 and the purposes for which each such payment was
9 made, and (B) all services and property provided to
10 other units of government and the amount of com-
11 pensation received for provision of each such service
12 and property.”.

13 **SEC. 107. INCLUSION OF TERMINAL DEVELOPMENT AS A**
14 **PROJECT COST.**

15 Section 513(b)(2) of the Airport and Airway Improve-
16 ment Act of 1982 (49 U.S.C. App. 2212(b)(2)) is amend-
17 ed—

18 (1) in the second sentence by inserting after
19 “may be used” the following: “; subject to the ap-
20 proval of the Secretary,”; and

21 (2) by adding at the end the following: “All or
22 any portion of the sums to be distributed at the dis-
23 cretion of the Secretary under sections 507(c) and
24 507(d) for any fiscal year may be distributed for use
25 by primary airports each of which annually has .05

1 *or less of the total enplanements in the United States*
 2 *for project costs allowable under paragraph (1) of this*
 3 *subsection.”.*

4 ***SEC. 108. INCLUSION OF EXPLOSIVE DETECTION DEVICES***
 5 ***AND UNIVERSAL ACCESS SYSTEMS.***

6 *Section 503(a)(2)(B)(ii) of the Airport and Airway*
 7 *Improvement Act of 1982 (49 U.S.C. App.*
 8 *2202(a)(2)(B)(ii)) is amended by inserting after “or secu-*
 9 *rity equipment” the following: “, including explosive detec-*
 10 *tion devices and universal access systems,”.*

11 ***SEC. 109. DECLARATION OF POLICY.***

12 *Section 502(a) of the Airport and Airway Improve-*
 13 *ment Act of 1982 (49 U.S.C. App. 2201(a)) is amended—*

14 *(1) by striking “and” at the end of paragraph*
 15 *(13);*

16 *(2) by striking the period at the end of para-*
 17 *graph (14) and inserting “; and”; and*

18 *(3) by adding at the end the following:*

19 *“(15) the airport improvement program should*
 20 *be administered to encourage the development and use*
 21 *of innovative concrete and other materials in the con-*
 22 *struction of airport facilities to minimize initial*
 23 *laydown costs, minimize time out of service, and*
 24 *maximize lifecycle durability.”.*

1 **SEC. 110. TECHNICAL AMENDMENTS.**

2 (a) *DEFINITIONS.*—Section 503(a)(2)(B) of the Air-
 3 port and Airway Improvement Act of 1982 (49 U.S.C. App.
 4 2202(a)(2)(B)) is amended by moving clauses (vii) and
 5 (viii) 2 ems to the right.

6 (b) *AIRPORT PLANS.*—Section 504(a)(1) of such Act
 7 (49 U.S.C. App. 2203(a)(1)) is amended by redesignating
 8 clauses (1), (2), and (3) as clauses (A), (B), and (C), respec-
 9 tively.

10 (c) *AIP OTHER EXPENSES.*—Section 506(c)(3)(B)(i)
 11 of such Act (49 U.S.C. App. 2205(c)(3)(B)(i)) is amended
 12 by striking “and,” and inserting “, and”.

13 **SEC. 111. LETTERS OF INTENT.**

14 Section 513(d)(1) of the Airport and Airway Improve-
 15 ment Act of 1982 (49 U.S.C. App. 2212(d)(1)) is amended
 16 by adding at the end the following new subparagraph:

17 “(H) *LIMITATION ON STATUTORY CON-*
 18 *STRUCTION.*—Nothing in this section shall be
 19 construed to prohibit the obligation of amounts
 20 pursuant to a letter of intent under this para-
 21 graph in the same fiscal year as the letter of in-
 22 tent is issued.”.

***TITLE II—MISCELLANEOUS
PROVISIONS***

***SEC. 201. PROTECTION OF SMALL COMMUNITY AIRLINE
PASSENGERS.***

(a) ACCESS TO HIGH DENSITY AIRPORTS.—Section 419(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1389(b)) is amended by adding at the end the following new paragraph:

“(10) ACCESS TO HIGH DENSITY AIRPORTS.—

“(A) NONCONSIDERATION OF SLOT AVAILABILITY.—In determining what is basic essential air service and in selecting an air carrier to provide such service, the Secretary shall not give consideration to whether slots at a high density airport are available for providing such service.

“(B) MAKING SLOTS AVAILABLE.—If basic essential air service is to be provided to and from a high density airport, the Secretary shall ensure that a sufficient number of slots at such airport are available to the air carrier providing or selected to provide such service. If necessary to carry out the objectives of this subsection, the Secretary shall take such action as may be necessary to have such slots transferred or otherwise made available to the air carrier; except that the

1 *Secretary shall not be required to make slots*
2 *available at O'Hare International Airport in*
3 *Chicago, Illinois, if the number of slots available*
4 *for basic essential air service to and from such*
5 *airport is at least 132 slots."*

6 (b) *TRANSFERS OF SLOTS AT HIGH DENSITY AIR-*
7 *PORTS.—Section 419(b)(7) of such Act (49 U.S.C. App.*
8 *1389(b)(7)) is amended—*

9 (1) *by striking "TRANSFER OF OPERATIONAL AU-*
10 *THORITY AT CERTAIN" and inserting "TRANSFERS OF*
11 *SLOTS AT";*

12 (2) *by striking "an airport at which the Admin-*
13 *istrator limits the number of instrument flight rule*
14 *takeoffs and landings of aircraft" and inserting "a*
15 *high density airport";*

16 (3) *by striking "operational authority" and in-*
17 *serting "slots";*

18 (4) *by striking "has to conduct a landing or*
19 *takeoff" and inserting "have";*

20 (5) *by striking "such authority" the first place*
21 *it appears and inserting "such slots";*

22 (6) *by striking "such authority is" and inserting*
23 *"such slots are"; and*

24 (7) *by inserting "basic essential" after "used to*
25 *provide".*

1 (c) *DEFINITIONS.*—Section 419(k) of such Act (49
 2 U.S.C. App. 1389(k)) is amended by adding at the end the
 3 following new paragraphs:

4 “(6) *HIGH DENSITY AIRPORT.*—The term ‘high
 5 density airport’ means an airport at which the Ad-
 6 ministrator limits the number of instrument flight
 7 rule takeoffs and landings of aircraft.

8 “(7) *SECRETARY.*—The term ‘Secretary’ means
 9 the Secretary of Transportation.

10 “(8) *SLOT.*—The term ‘slot’ means a reservation
 11 for an instrument flight rule takeoff or landing by an
 12 air carrier of an aircraft in air transportation.”.

13 **SEC. 202. ACCESS OF FOREIGN AIR CARRIERS TO HIGH DEN-**
 14 **SITY AIRPORTS.**

15 (a) *IN GENERAL.*—Title IV of the Federal Aviation Act
 16 of 1958 (49 U.S.C. 1371–1389) is amended by adding at
 17 the end the following:

18 **“SEC. 420. ACCESS OF FOREIGN AIR CARRIERS TO HIGH**
 19 **DENSITY AIRPORTS.**

20 “(a) *IN GENERAL.*—The Secretary shall not take a slot
 21 at a high density airport from an air carrier and award
 22 such slot to a foreign air carrier if the Secretary determines
 23 that air carriers are not provided equivalent rights of access
 24 to airports in the country of which such foreign air carrier
 25 is a citizen.

1 “(b) *DEFINITIONS.*—In this section, the terms ‘high
2 density airport’, ‘Secretary’, and ‘slot’ have the meaning
3 such terms have under section 419.”.

4 (b) *CONFORMING AMENDMENT.*—The portion of the
5 table of contents contained in the first section of such Act
6 relating to title IV is amended by adding at the end the
7 following:

 “Sec. 420. Access of foreign air carriers to high density airports.

 “(a) In general.

 “(b) Definitions.”.

8 **SEC. 203. RULEMAKING ON RANDOM TESTING FOR PROHIB-**
9 **ITED DRUGS.**

10 Not later than 1 year after the date of the enactment
11 of this Act, the Secretary of Transportation shall complete
12 a rulemaking proceeding and issue a final decision on
13 whether there should be a reduction in the annualized rate
14 of random testing for prohibited drugs now required by the
15 Secretary for personnel engaged in aviation activities. If
16 the Secretary does not issue the final decision on or before
17 the last day of such 1-year period, then, effective on the suc-
18 ceeding day, the annualized rate of random testing shall
19 be 25 percent of such personnel.

20 **SEC. 204. PASSENGER FACILITY CHARGES.**

21 (a) *CLARIFICATION OF APPLICABILITY.*—

22 (1) *GENERAL RULE.*—Section 1113(e)(1) of the
23 Federal Aviation Act of 1958 (49 U.S.C. App.
24 1513(e)(1)) is amended by adding at the end the fol-

1 *lowing new sentence: “After the date of the enactment*
 2 *of this sentence, no public agency authority shall col-*
 3 *lect a fee authorized to be imposed under this sub-*
 4 *section from a passenger enplaning at an airport if*
 5 *the passenger did not pay for the air transportation*
 6 *which resulted in such enplanement, including any*
 7 *case in which the passenger obtained the ticket for the*
 8 *air transportation with a frequent flier award coupon*
 9 *without monetary payment.”.*

10 (2) *LIMITATION ON STATUTORY CONSTRUC-*
 11 *TION.—The amendment made by paragraph (1) shall*
 12 *not be construed as requiring any person to refund*
 13 *any fee paid before the date of the enactment of this*
 14 *Act.*

15 (b) *USE OF REVENUES AND RELATIONSHIP BETWEEN*
 16 *FEES AND REVENUES.—Section 1113(e)(2) of such Act is*
 17 *amended—*

18 (1) *by striking “and” at the end of subpara-*
 19 *graph (A);*

20 (2) *by striking the period at the end of subpara-*
 21 *graph (B)(iii) and inserting “; and”; and*

22 (3) *by adding at the end the following:*

23 *“(C) that the application includes adequate*
 24 *justification for each of the specific projects.”.*

1 **SEC. 205. TERM OF OFFICE OF FAA ADMINISTRATOR.**

2 Section 106(b) of title 49, United States Code, is
3 amended by adding at the end the following: “The term of
4 office for any individual appointed as Administrator after
5 the date of the enactment of this sentence shall be 5 years.”.

6 **SEC. 206. NOISE ABATEMENT PROGRAM.**

7 (a) *SOUNDPROOFING OF CERTAIN RESIDENTIAL*
8 *BUILDINGS.*—Section 104(c)(2) of the Aviation Safety and
9 Noise Abatement Act of 1979 (49 U.S.C. App. 2104(c)(2))
10 is amended—

11 (1) by inserting “(A)” before “to operators of
12 airports”; and

13 (2) by striking the period at the end and insert-
14 ing “; and (B) for projects to soundproof residential
15 buildings—

16 “(i) if the operator of the airport involved re-
17 ceived approval for a grant for a project to sound-
18 proof residential buildings pursuant to section
19 301(d)(4)(B) of the Airport and Airway Safety and
20 Capacity Expansion Act of 1987;

21 “(ii) if the operator of the airport involved sub-
22 mits updated noise exposure contours, as required by
23 the Secretary; and

24 “(iii) if the Secretary determines that the pro-
25 posed projects are compatible with the purposes of this
26 Act.”.

1 (b) *SOUNDPROOFING AND ACQUISITION OF CERTAIN*
2 *RESIDENTIAL PROPERTIES.*—Section 104(c) of such Act is
3 further amended by adding at the end the following:

4 “(4) *SOUNDPROOFING AND ACQUISITION OF CER-*
5 *TAIN RESIDENTIAL PROPERTIES.*—The Secretary is
6 authorized under this section to make grants to opera-
7 tors of airports and to units of local government re-
8 ferred to in paragraph (1) for projects to soundproof
9 residential buildings located on residential properties,
10 and for projects to acquire residential properties, at
11 which noise levels are not compatible with normal op-
12 erations of an airport—

13 “(A) if the operator of the airport involved
14 amended an existing local aircraft noise regula-
15 tion during calendar year 1993 to increase the
16 maximum permitted noise levels for scheduled
17 air carrier aircraft as a direct result of imple-
18 mentation of revised aircraft noise departure
19 procedures mandated for aircraft safety purposes
20 by the Administrator of the Federal Aviation
21 Administration for standardized application at
22 airports served by scheduled air carriers;

23 “(B) if the operator of the airport involved
24 submits updated noise exposure contours, as re-
25 quired by the Secretary; and

1 “(C) if the Secretary determines that the
2 proposed projects are compatible with the pur-
3 poses of this Act.”.

4 **SEC. 207. LABOR MANAGEMENT RELATIONS.**

5 *The Metropolitan Washington Airports Act of 1986 (49*
6 *U.S.C. App. 2451–2461) is amended—*

7 *(1) in section 6007(c)(5) by striking “to the ex-*
8 *tent that the Federal Aviation Administration is so*
9 *authorized on the date of enactment of this title”;*

10 *(2) by redesignating sections 6010, 6011, and*
11 *6012 as sections 6011, 6012, and 6013, respectively;*
12 *and*

13 *(3) by inserting after section 6009 the following*
14 *new section:*

15 **“SEC. 6010. LABOR MANAGEMENT RELATIONS.**

16 “(a) *APPLICATION OF FEDERAL LABOR LAWS.—Ex-*
17 *cept as otherwise provided by this section, the provisions*
18 *of the National Labor Relations Act and the Labor Manage-*
19 *ment Relations Act, 1947 shall apply to labor-management*
20 *relations between the Airports Authority and labor organi-*
21 *zations representing bargaining units at the Metropolitan*
22 *Washington Airports.*

23 “(b) *SUITS.—*

24 “(1) *JURISDICTION OF U.S. COURTS.—The courts*
25 *of the United States shall have jurisdiction with re-*

1 *spect to actions brought by the National Labor Rela-*
2 *tions Board under this section to the same extent that*
3 *such courts have jurisdiction with respect to actions*
4 *brought under the National Labor Relations Act.*

5 “(2) *LABOR CONTRACT VIOLATIONS.*—Suits for
6 *violation of contracts between the Airports Authority*
7 *and a labor organization representing bargaining*
8 *units at the Metropolitan Washington Airports, or be-*
9 *tween any such labor organizations, may be brought*
10 *in any district court of the United States having ju-*
11 *risdiction of the parties, without respect to the*
12 *amount of controversy.*

13 “(3) *AGENTS OF LABOR ORGANIZATIONS.*—A
14 *labor organization described in paragraph (2) and*
15 *the Airports Authority shall be bound by the author-*
16 *ized acts of their agents. Any such labor organization*
17 *may sue or be sued as an entity and in behalf of those*
18 *whom it represents in the courts of the United States.*
19 *Any money judgment against such a labor organiza-*
20 *tion in a district court of the United States shall be*
21 *enforceable only against the organization as an entity*
22 *and against its assets and shall not be enforceable*
23 *against any individual member or the member’s as-*
24 *sets.*

25 “(c) *COLLECTIVE-BARGAINING AGREEMENTS.*—

1 “(1) *PERIOD OF EFFECTIVENESS.*—Collective-
2 *bargaining agreements between the Airports Author-*
3 *ity and labor organizations shall be effective for not*
4 *less than 2 years.*

5 “(2) *RESOLUTION OF GRIEVANCES.*—Collective-
6 *bargaining agreements negotiated by the Airports Au-*
7 *thority shall provide for procedures for resolution by*
8 *the parties of grievances and other disputes arising*
9 *during the term of the agreement, culminating in*
10 *binding third-party arbitration, unless the parties*
11 *agree otherwise.*

12 “(3) *RESOLUTION OF DISPUTES IN NEGOTIA-*
13 *TIONS.*—The Airports Authority and a labor organi-
14 *zation may by mutual agreement adopt procedures*
15 *for the resolution of disputes or impasses arising in*
16 *the negotiation of a collective-bargaining agreement.*

17 “(d) *LABOR DISPUTES.*—

18 “(1) *WRITTEN NOTICE REQUIREMENT.*—If there
19 *is a collective-bargaining agreement between the Air-*
20 *ports Authority and labor organizations in effect, no*
21 *party to such agreement shall terminate or modify*
22 *such agreement unless the party desiring such termi-*
23 *nation or modification serves written notice upon the*
24 *other party to the agreement of the proposed termi-*
25 *nation or modification not less than 90 days prior to*

1 *the time it is proposed to make such termination or*
2 *modification. The party serving such notice shall no-*
3 *tify the Federal Mediation and Conciliation Service*
4 *of the existence of a dispute within 45 days of such*
5 *notice if no agreement has been reached by that time.*

6 “(2) *MEDIATION OF DISPUTES.—If the parties*
7 *fail to reach agreement or to adopt a procedure pro-*
8 *viding for a binding resolution of a dispute by the ex-*
9 *piration date of the agreement in effect, or the date*
10 *of the proposed termination or modification, the Di-*
11 *rector of the Federal Mediation and Conciliation*
12 *Service shall direct mediation of the dispute. For this*
13 *purpose, the Director shall submit to the parties a list*
14 *of not fewer than 10 names. If the parties fail to se-*
15 *lect a mediator, the selection shall be made by the Di-*
16 *rector.*

17 “(3) *ARBITRATION BOARD.—*

18 “(A) *ESTABLISHMENT.—If no agreement is*
19 *reached within 90 days after the expiration or*
20 *termination of the agreement or the date on*
21 *which the agreement became subject to modifica-*
22 *tion under paragraph (1) of this subsection, or*
23 *if the parties decide upon arbitration but do not*
24 *agree upon the procedures therefor, an arbitra-*
25 *tion board shall be established consisting of 3*

1 *members, 1 of whom shall be selected by the Air-*
2 *ports Authority, 1 by the bargaining representa-*
3 *tive, and the third by the 2 thus selected who*
4 *shall be designated chairman. If either of the*
5 *parties fails to select a member, or if the mem-*
6 *bers chosen by the parties fail to agree on the*
7 *third person within 5 days after their first meet-*
8 *ing, the selection shall be made utilizing the*
9 *rules of the American Arbitration Association.*

10 *“(B) HEARINGS AND DECISIONS.—The arbi-*
11 *tration board shall give the parties a full and*
12 *fair hearing, including an opportunity to*
13 *present evidence in support of their claims, and*
14 *an opportunity to present their case in person,*
15 *by counsel or by other representative as they*
16 *may elect. All procedural disputes shall be de-*
17 *cided by the board. The board shall have the au-*
18 *thority to administer oaths and compel the at-*
19 *tendance of witnesses and the production of doc-*
20 *uments. Decisions of the board shall be conclusive*
21 *and binding upon the parties. The board shall*
22 *render its decision within 45 days after its ap-*
23 *pointment, unless a later date is mutually*
24 *agreed upon by both parties.*

1 “(C) *COSTS.*—*Costs of the arbitration board*
2 *shall be shared equally by the Airports Authority*
3 *and the bargaining representative.*

4 “(D) *PROCEDURES.*—*In the case of a bar-*
5 *gaining unit whose collective-bargaining rep-*
6 *resentative does not have an agreement with the*
7 *Airport Authority, if the parties fail to reach*
8 *agreement within 90 days of the commencement*
9 *of collective bargaining, mediation will take*
10 *place in accordance with the terms of paragraph*
11 *(2) of this subsection, unless the parties have pre-*
12 *viously agreed to another procedure for a bind-*
13 *ing resolution of their differences. If the parties*
14 *fail to reach agreement within 180 days of the*
15 *commencement of collective bargaining and if*
16 *they have not agreed to another procedure for*
17 *binding resolution, an arbitration board shall be*
18 *established to provide conclusive and binding ar-*
19 *bitration in accordance with the terms of para-*
20 *graph (3) of this subsection.*

21 “(E) *CONSIDERATIONS IN MAKING*
22 *AWARDS.*—*Except insofar as compensation and*
23 *benefits may be specified elsewhere in this title,*
24 *the arbitration board, in arriving at its award,*
25 *shall take into account compensation, benefits,*

1 *and conditions of employment of comparable em-*
2 *ployees in Alexandria, Arlington, and Fairfax*
3 *Counties, Virginia; the District of Columbia; and*
4 *Montgomery and Prince Georges Counties, Mary-*
5 *land, and other criteria traditionally considered*
6 *in collective bargaining.*

7 “(e) *NO STRIKES OR LOCKOUTS; MAINTENANCE OF*
8 *STATUS QUO.—Notwithstanding any other provision of*
9 *law, the parties to a collective bargaining agreement be-*
10 *tween the Airports Authority and a labor organization shall*
11 *not resort to strike or lockout. The parties shall refrain from*
12 *making changes in working conditions pending the resolu-*
13 *tion of labor disputes as provided in subsection (d) of this*
14 *section.”.*

15 **SEC. 208. TECHNICAL AMENDMENT.**

16 *Section 9130 of the Aviation Safety and Capacity Ex-*
17 *pansion Act of 1990 (49 U.S.C. App. 2226b) is amended*
18 *by striking “subsection” and inserting “section”.*

19 **SEC. 209. REPORT ON CERTAIN BILATERAL NEGOTIATIONS.**

20 *The Secretary of Transportation shall report every*
21 *other month to the Committee on Public Works and Trans-*
22 *portation of the House of Representatives and the Commit-*
23 *tee on Commerce, Science, and Transportation of the Senate*
24 *on the status of all active aviation bilateral negotiations*

1 *and informal government-to-government consultations with*
2 *United States aviation trade partners.*

3 ***SEC. 210. HIGH DENSITY RULE AND REALLOCATION OF***
4 ***SLOTS.***

5 *(a) HIGH DENSITY RULE.—*

6 *(1) STUDY.—The Secretary of Transportation*
7 *shall conduct a study and provide recommendations*
8 *to Congress on whether improvements in the tech-*
9 *nology and procedures of the air traffic control system*
10 *and the use of quieter aircraft make it possible to*
11 *eliminate the limitations on hourly operations im-*
12 *posed by the high density rule contained in part 93*
13 *of title 14 of the Code of Federal Regulations or to in-*
14 *crease the number of operations permitted under such*
15 *rule. The study shall include consideration of the ef-*
16 *fects of the elimination of limitations or an increase*
17 *in the number of operations allowed on each of the*
18 *following:*

19 *(A) Safety.*

20 *(B) Congestion and delay in any part of the*
21 *national aviation system.*

22 *(C) The impact of noise on persons living*
23 *near the airport.*

24 *(D) Competition in the air transportation*
25 *system.*

1 (E) *The profitability of operations of air-*
2 *lines serving the airport.*

3 (2) *COORDINATION.—In conducting the study*
4 *under this subsection, the Secretary of Transportation*
5 *shall consult with officials of airports subject to the*
6 *high density rule, the cities in which such airports*
7 *are located, representatives of citizens living in the vi-*
8 *cinity of such airports, air carriers now serving such*
9 *airports or interested in inaugurating such service,*
10 *and other interested persons.*

11 (3) *REPORT.—Not later than 1 year after the*
12 *date of the enactment of this Act, the Secretary of*
13 *Transportation shall transmit the findings of the*
14 *study conducted under this subsection, together with*
15 *recommendations, to the Committee on Public Works*
16 *and Transportation of the House of Representatives*
17 *and the Committee on Commerce, Science, and Trans-*
18 *portation of the Senate.*

19 (b) *SLOTS FOR FOREIGN AIR TRANSPORTATION.—*

20 (1) *STUDY.—The Secretary of Transportation*
21 *shall conduct a study to determine the impact of a*
22 *change in law or regulations that would prohibit the*
23 *withdrawal of a slot from an air carrier providing*
24 *interstate air transportation at a high density airport*
25 *in any case in which such slot is withdrawn in order*

1 to allocate it to an air carrier or foreign air carrier
2 to provide foreign air transportation.

3 (2) *CONTENTS.*—In conducting the study under
4 this subsection, the Secretary shall examine the fol-
5 lowing:

6 (A) *The impact of a prohibition described*
7 *in paragraph (1) on the aviation relationship*
8 *between the United States Government and for-*
9 *foreign governments.*

10 (B) *Whether such a prohibition would result*
11 *in the withdrawal of slots from general aviation*
12 *and military aviation in order to allocate them*
13 *to air carriers and foreign air carriers providing*
14 *foreign air transportation and the impact of*
15 *such a withdrawal of slots on general aviation*
16 *and military aviation.*

17 (C) *The impact on air carriers providing*
18 *interstate air transportation of the current prac-*
19 *tice of withdrawing slots in order to allocate*
20 *them to air carriers or foreign air carriers pro-*
21 *viding foreign air transportation.*

22 (D) *The impact of the planned relocation of*
23 *Air Force Reserve units and the Air National*
24 *Guard at O'Hare International Airport on the*
25 *future availability of slots at that airport.*

1 (3) *REPORT.*—Not later than June 1, 1994, the
2 *Secretary of Transportation shall transmit to Con-*
3 *gress a report on the results of the study conducted*
4 *under this subsection, together with such recommenda-*
5 *tions for legislative or administrative action as the*
6 *Secretary determines appropriate.*

7 ***SEC. 211. REPEAL.***

8 *Section 31 of the Airport and Airway Development Act*
9 *of 1970 (49 U.S.C. App. 1731) is hereby repealed.*

HR 2739 RH—2